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THE DOG'S CHRISTMAS.

BY HUDOR GENONE.

THE fall term had begun at Dr. Ray's school. The play-ground was full of a noisy rabble of lads and youths of maturer growth. Among the latter, taller, stronger, more active, and more manly than most, was Jack Morris, nick-named "Baldy," because, as he said of himself, there was "too much sky to his picture."

While Jack stood under the shadow of a great elm tree near the high board fence that bounded the enclosure on Massasoit Avenue, jacket loose, sleeves rolled up, chest heaving, he heard a timid rapping at the gate behind him.

He caught the base-ball passing round, threw it back far across the field, wheeled instantly, went to the gate, pulled the bolt and swung it wide open.

His bright, blue eyes took in briefly the figure of a little lad who had done the rapping; then looked beyond, across the brick-paved walk, and into the serene face of the boy's sister, Mrs. Arden, his elder by a score of years, and, in legal phrase, "committee of his person and estate."

She sat in a hired carriage, uneasy, and evidently in haste to be away; but at sight of Jack leaned forward smiling.

Jack, even in his tender years, an efficient "squire of dames," hastened forward, cap in hand, and then ensued a consignment of the little brother to his good offices.

"Come, kiss me now, Georgie," said his sister; and the boy went to her not at all as if parting with his only living, near relative, but mechanically held his face up and stolidly suffered himself to be embraced and kissed.

"Now good-by, Georgie; be a good boy." Then turning to Jack, "You are very kind; I am ever so much obliged. Dr. Ray expects Georgie."

She smiled, bowed gracefully to Jack, said once more, "Good-by" to her brother; then, "Now to the depot, driver," and the carriage rattled away, leaving little George Waldon at the gate of Dr. Ray's establishment, much like a stray kitten, that no one cared to claim.

At the age of twelve years this boy, whose annals I propose in part to narrate, was as unpromising a hero

for a tale as one would be like to meet. He was rather big for his years, homely and freckled. His hands and feet and nose were all large and prominent; and his ears, largest of all, protruded, like handles to a jug from a well-shaped head, covered with a mop of canary-colored hair.

Civil as Jack had been to Mrs. Arden, he yet deemed his duty amply done to the boy when, within the enclosure, he pointed up the walk, bidding him, "Go that way, through that door you see; then along the hall, up stairs, turn to your right; and there you are. First door at the head of the stairs is the Doctor's study."

George obeyed the mandate without a word. To be thus cast adrift upon the sea of school-life was very terrible to him; but he had a grim resolution which forbade expression to all feeling. So, making a vain attempt to appear at ease, stuffing his hands into his trousers' pockets, he shambled across the play-ground towards the door of the great, barn-like structure.

Some of the younger lads turned aside from their games to stare at him, grinning and ogling odiously; and one soiled, unkempt, pock-marked little fellow, about his own size, to whom George at once took an immense aversion, squatted down like a toad, directly in his path, both hands spread out on either side of his carrotty head, wagging them, and making various uncouth, derisive noises.

George's shamle turned into a poor attempt to swagger; he went out of his way just enough to avoid his tormentor, looking neither to right nor left, but straight ahead, whither he was bound, not knowing but some dreadful emergency was upon him, and making ready, with all his timid, valorous heart for whatever might befall.

He had been wont at home to hear his elderly austere brother-in-law descant upon "tact"; and, though giving little heed hitherto to these remarks, now it occurred to him that tact was what he needed most of all.

Dr. Ray, when at last George found himself in that august presence, was all that was kind, and, so,—in a way more to the boy's liking,—was the fat, motherly matron. But with the boys he did not get on so well. They were,—as boys will be, especially to those without tact,—extremely rude and uncivil; and, having

had to do with little girls mostly, George did not understand the sort of etiquette that prevails among lads at school. The boys imposed upon him, and at first he did not resent the imposition. This encouraged the natural little bully who had brayed at him; and from being too humble, our boy became of a sudden too belligerent, and there was a fight,—his first affair of honor,—of which, because he did not know how to use his fists, George got much the worse.

This was his first day at school, and was not, perhaps, a good beginning. The next day and the next were much the same. On his arrival George's clothes had been neatly brushed, his shoes blackened, linen spotless, hair nicely parted, and hands decently clean. But alas! he soon became, as for very long he continued, soiled and untidy as the worst. Then, too, he was possessed of certain physical infirmities,—besides those already catalogued,—in his pristine cleanliness not offensively betrayed.

But by nightfall of his second day a cold in his head developed, and a big red sty came upon one eyelid. The cold swelled his lips, puffed his cheeks, and reddened his nose, and the fights he was continually having did not (as one may think) tend to beauty.

So when several days went by and his face was always black and blue, and his eyes half closed, the teachers began to notice his appearance, and one, catching him in pugnacious *delicto*, took occasion to call him "a little ruffian."

The child made no attempt to justify himself, although he felt sorely the injustice of the remark, knowing that to fight was not at all to his liking or of his seeking.

By this time the boys had begun to notice his odd manners. They saw that he knew little about all those matters with which boys are supposed to be familiar. At the games, which after a while he tried, but only with the littlest and meekest, he was awkward and old-fashioned, and, (to sum it up) in all he did, deficient in the tact he so much craved.

Because he did not like to be twitted with his infirmities, nor to make sport for others, George used to get by himself, and whenever it was possible would steal away from the precincts of the town, trying to find in the fields and country roads some solitude, some boundless contiguity of peace.

Taking one of these rambles on a half holiday he fell in with a party of the older boys, and one burly fellow turned aside to bait him. His odd replies, and quaint, peculiar ways afforded rare sport to the young barbarians. When at last they asked him his name and George gave it promptly, his oppressor laughed brutally and said, "No, that isn't your name, bub,—your name's Crack," and all the others laughed aloud, the poor child's cup full of humiliation overflowed.

The epithet pricked him like a knife-blade. Some spirit of honor seemed to call aloud for redress; and his was a chivalric spirit, though the chivalry was not according to boys' brutal code. If he had known what "tact" was he might have given back railing for railing; but he had no such resource. Tears in his eyes and fury in his heart he clinched his fists and fell upon his tormentors like a small avalanche.

The young tyrant had not the manliness to refrain from using his brute strength. George's skin was tender and his nose prone to bleed, now the blood flowed profusely as they left him to pick himself out of the dust of the highway.

There was a little stream hard by, and by its brink George sat down and wept quietly and staunchly the blood. For an hour or more he sat there, crying at intervals, and thinking bitter, sad, hopeless thoughts: how weak he was; how hopeless; how poorly off; how every way forlorn. Would the time ever be when he could hold up his head with the best,—when he could achieve any sort of popularity, or even possess one friend?

After these earthly musings he began to dream queer, quaint, uncanny dreams. It was easy for him to cross the vague frontier of the land of mystery; and now for a while he revelled therein. The present faded away; the heavens opened on some other dream-time, and once again he confronted the young tyrant of his fields, like another Hampden. A great battle had been fought, and now the standards of the adversary were trailing in the dust, as in his geography was depicted the scene when at Yorktown Cornwallis laid down his arms:

That was a supreme moment when his enemy approached to tender his forfeited sword. But, the scene recalled, it was then, even in his imagination, that the pure chivalry of the boy's soul shone forth, as he bade the vanquished put back his sword into its scabbard. So, the wide world over, in real life or in dreams, the chivalrous soul is ever the same,—strenuous in endeavor, merciful to the conquered.

Little by little George became inured to the rough life of the school; yet, while he grew callous to many things, he held on tenaciously to his early innocence. He had been trained to a very rigid piety, but made (I must confess) a sad breach in the time-honored rule of the Sunday-school books, which, perhaps, a good boy ought to have followed. Mrs. Arden was a very exemplary woman, and strictly religious in a feeble, non-inquisitive way, and, as best she knew, had handed over to her orphan brother that form of godliness which had been delivered to herself. No doubt, George should have let his light shine before the other boys in the dormitory. He had been diligently taught to kneel down nightly by his bedside to say his prayers;

but now he made no attempt at this, not even on the first night, when, if ever, the sweet influences of formalism ought to have prevailed.

When the time came for the prayers to be said, he and his conscience had something of a tussle. Perhaps some may choose to call him cowardly that the prayer was not said; and there is ample room, I admit, for moralising about good and bad angels and influences. I profess only to relate what occurred: George thought the whole matter over calmly and arrived at a deliberate conclusion, that although possibly on abstract moral grounds he was not justified, yet in that dormitory any example of his setting would be wholly wasted. None of the other boys said prayers, why should he? Already by reason of his peculiarities enough contumely had been evoked. Why evoke more?

So he reasoned, and tumbled into bed as the others did; but when the lights were out and the babble hushed, he put his hands together, as he had been taught in babyhood, and said the words, not knowing "half the deep thought they breathed," asking blandly, that his dreary, lonely heart be made right before God.

Some call such things hypocrisy, some habit, some heredity; but some,—a trifle closer perhaps to the heart of the universe,—are willing to be kind and loving, for they know that even love itself is a sort of holy hypocrisy.

At first (as I think even the most radical theologian must have admitted) George's heart was very nearly right. But in time failures came and lapses, till he grew adept in some of the small duplicities that prevail in such a school.

Sometimes he was caught red-handed at his misdeeds and had to suffer for them; but laying his misfortunes to his own blame, he took such chastening as was meted out with stoical fortitude, (much as we elders regard a pestilence or a famine,) as a dispensation not to be averted or avoided.

When George had been at the school about a month he received, one evening, an invitation, (or rather, as invitations to court come, a summons,) to the parlors of the Misses Ray. One of the under-teachers had told him to "fix up and go to the Doctor's study."

Now, a summons to the study had not heretofore meant anything but trouble; but it chanced that at this epoch he was tolerably free from spots and he could call to mind nothing especially remiss unatoned for. Nevertheless he obeyed with a heavy heart, and during the process of "fixing up" was told by a greasy little Portuguese, with whom he fraternised, of the prospects.

I do not think even limitless cake and ice cream gave the child relief. He was painfully shy, because, from having looked in the glass so much in vain at-

tempts to tie his bow properly and to get the parting straight in his hair, he had acquired a vast contempt for his own personal appearance.

But there was no help for it; so he went with the rest to the study, and thence along the hall to the sacred precincts beyond, two and two, George creeping by the side of the Portuguese in much the same companionable way that Robert of Sicily did, in good-fellowship with the ape.

No doubt Dr. Ray's parlors were sufficiently pleasant, and the young ladies attentive; but George was embarrassed and hardly intelligible. After the first greeting he turned reticent, got himself quickly into a corner, there to be solaced with ice cream and his esoteric reflexions.

Of course, he was never again invited to the parlors. But this gave him no concern. He understood very well that the banishment was a just reward for his shyness; but when afterwards on frequent Saturday evenings he used to see others,—even Hill, the red-haired, pock-marked boy,—tidy for that occasion only, preparing to partake of a feast to which he had not been bidden, a great longing took hold of him, not at all akin to envy. It was all his own fault, he told himself, but he felt hurt and lonely, wishing ardently that he had the power of glib talk and easy ways which he lacked altogether, and seemed so sure a passport to favor with the other boys. To emulate them, and to "spunk up" to people, was his notion of a perfect character. He would have delighted in a friendship, but after repeated trials, beginning with greasy little Miguel, gave up the effort, having found none worthy of him. He was a curious combination of humility and egotism; submitting to be called "Crack," after one or two desperate efforts at remonstrance, as inevitable and not wholly unjust, but yet all the while thinking great scorn of the offenders that they were not (this was clearly the idea) better judges of character.

Now and then "Baldy" Morris had a kind word to say; and him George admired immensely. But as for being at all intimate with a youth who studied Paley's Theology and the Anabasis, that was, of course, wholly out of the question.

On a half holiday, wandering, as usual, alone along one of the country roads, George fell in with a mongrel dog that had somehow hurt its leg. The boy was trudging along munching ginger cakes (bolivars they were called in those days) when the two met.

At once, for the heart has tendrils reaching out that must cling to something, a great friendship sprang up between them. The boy had no knack at binding up physical wounds, but, as he had seen a doctor do, he whittled out some splints, and with a piece of twine bound up the lame leg, the dog whining a little, but

licking the helping hand. Then George of Samaria patted the cur and caressed him, and poured in all that was left of the bolivars, getting grateful looks and wags of the tail.

The dog followed George home to the school, limping by his side as best he could and loath to part from his benefactor, yelping and scratching at the gate, when at last they parted.

The following day, when George went out again, there was his little lame friend waiting for him. After that, all his pocket-money went for bolivars, share and share alike, and day after day, while the cur's hurt healed, they trudged the streets together, and on the half-holidays far out among the fields.

In December there was a heavy fall of snow, and this put an end to the rambles. But George contrived to feed his friend daily, till at last he caught a severe cold, and the doctor had him taken to the sick-room. Here he grew no better, and the cold developed into pneumonia.

On the morning of the last school-day before the Christmas holidays Hill came bustling into the school-room :

"Say fellers, what do you think? Crack's dead."

"Thunder!" said one of the boys, and Miguel made furtively the sign of the cross.

Mrs. Arden had been telegraphed for, but she came too late. George died as he had lived, alone. The motherly matron, who had gotten to love him for his simple, quiet ways and a remote likeness to a boy of her own, dead thirty years, wept bitter tears. His sister, too, wept. Perhaps she had done her full duty as "committee of his person and estate" in sending him out into a world he could not battle with. Perhaps some remorse for the duty may have mingled with her grief. But she had children of her own, and her little brother was heir to a great fortune.

It was, after all, another that mourned and missed him most. For a week and more the dog came, day after day, crouching on the curb of Massasoit Avenue opposite the gate of the school-yard, waiting trembling in the cold, and starting up expectant every time the hinges creaked, ears cocked, ready to frisk with joy—the joy that never came.

And yet the work of love was done; for in his last days George told the tender-hearted matron of his little friend, begging her to care for him, and repeating over and over in his delirium, "Feed my dog."

While he lay ill the woman thought it all delirium, but on Christmas morning after he died, she remembered what he had said and went to the gate and found the dog and fed him and kept him ever after with her for the boy's sake.

I could not help the thought how this futile child-life was like to that other greater one, whose fame has

filled the whole world. It is told us that when the man Jesus ascended into heaven, one came to his disciples and said to them: "Ye men of Galilee, why stand ye here gazing? This same Jesus shall come again in like manner?"

Well, I confess, "infidel" though some may call me, that I hope he may, though I do not believe he will. I should like to see the Master, for I think he would know me as one of them that love him, aye, perhaps manifold more than others who "believe" more.

And for the little boy whose brief annals I have related, I am sure in dying he was spared much sorrow. Such natures are born to suffer; to be despised and rejected of men; to come to their own, and their own receive them not. And I think, too, if there be a *material* heaven, or if, as some orthodoxy itself declares, "all things be made new," he will find a warm welcome from Him who said, "Inasmuch as ye did it unto the least of these ye did it unto me."

LARGE NUMBERS.

BY PROF. HERMANN SCHUBERT.

[CONCLUDED.]

In the period reaching from the tenth to the twelfth century the Hindu numeral system and Hindu methods of computation were introduced through the Arabs into Christian Europe, and here also there began to appear famous masters of the art of large numbers. But this species of talent, such as it showed itself in Adam Riese in the sixteenth century, and Zachariah Dase, who flourished in Hamburg in the middle of the present century, was always an isolated one, and never excited in the world at large a taste for large numbers.

At times, indeed, we all take an interest in numbers of great magnitude. We gladly surrender ourselves to the peculiar fascination which they exert upon us, for the simple reason that not being accustomed to large numbers we often see in the consequences which follow from them things that at first glance were incredible. And especially is our interest aroused when such numbers refer to events and activities with which we are acquainted, and which we ourselves pursue, and when the consequences drawn from them are in some way connected with conceptions with which we are familiar for smaller numbers. I shall ask permission, therefore, to append to the rather theoretical remarks I have made in the preceding article, a few instances of the application of large numbers, of the kind just referred to.

1) In the German game of skat, a game at cards, which is now also much played in America, thirty-two cards are so dealt that the three persons who take part in the game each receive ten cards, the remaining two being laid aside, or, as it is called, placed in the skat.

The question is, How many different distributions of the cards are possible, where all distributions are regarded as different that differ only in the position of the cards? The theory of combinations tells us that the number sought is exactly 2,753 billions, 294,408 millions, and 504,640.

But to a conclusion! If all living humanity had nothing else to do than incessantly to play skat, so that every three persons played without intermission night and day, and finished a game on an average of every five minutes, the whole human race would yet require from fifty-two to fifty-three years to play through all the conceivable distributions. And if this noble task were performed solely by the inhabitants of Altenburg, the birthplace of skat, these ingenious people would have to spend on their task from five to six hundred thousand years.

Unfortunately, I cannot tell the good old people of that province how many games each of them would win. But I can inform them that among all those games there are only 3,879,876 in which one can play a club solo with eleven matadors. And that in almost every 655 billion or in about every twenty-two to twenty-three per cent. of all games, there is at least one knave in the skat—which will be gladsome tidings to players whose forte is *tourné*.

2) Much larger than in skat is the number of the possible distributions in whist, where fifty-two cards are dealt to four persons, each receiving thirteen. The number of possible distributions in this game is the enormous one of 53,644 quadrillions, 737,765 trillions, 488,792 billions, 839,237 millions, and 440,000. In other words, if a whist table were placed on every square metre of the earth's surface, including mountains and oceans, and at every table a game of whist were played in every five minutes of time, it would yet take more than a thousand million years to play through all the possible combinations of cards in this game.

3) In the preceding examples, the theory of combinations led us to very large numbers. Not less large are the numbers which are produced by geometrical progressions. The most popular example of this class is that furnished by the story of the reward which the inventor of the game of chess is said to have asked. This story, which arose in India, the home of chess and of large numbers, and has found its way into almost all collections of arithmetical problems, is as follows. A king in India of the name of Shehram, requested the inventor of chess, Sessa Ebn Daher, to choose a reward for his invention. The latter complied, and asked as his payment the number of grains of wheat which should be obtained by counting one grain for the first square of the chessboard, two for the second, four for the third, eight for the fourth, and so

on for every one of the sixty-four squares. When the number was computed, it was found, to the astonishment of the king, to be the tremendous sum of 18 trillions, 446,744 billions, 073,709 millions, and 551,615. The king would have been unable to keep his promise if he had owned the whole earth and had planted and reaped wheat on it everywhere for years. For if we should bestrew all the land of the earth uniformly with grains of wheat, we should have to pile the grains over nine millimetres high to find a place for the number mentioned.

4) Under the rubric of geometrical progressions must be placed also the famous problem of what amount a capital of one cent placed at compound interest in the year of Christ's birth would have reached by now. In the year 1875 at 4% interest this sum would have reached the value of 865986 626476 236508 270156 786660 dollars and 24 cents, or more than 865,986 quadrillion dollars. If the whole earth were composed of gold of the ordinary degree of fineness of gold coins, it would take nearly 84 such golden earths to make up the value of this sum of money. If the penny were placed at 5% instead of 4% interest, it would take as many as 5,191 millions of gold spheres of the size of our earth to represent the value of the capital that would have been produced in 1875 years from a capital of one cent at compound interest. To get an idea as rapidly as possible of the amounts of compound interest calculations for such long spaces of time, one has simply to remember that at about $4\frac{7}{10}\%$, one penny in one hundred years will increase to one hundred pennies. At this rate a penny placed at compound interest in the Christian era will amount in the year 100 to 100 pennies, in the year 200 to 100 times 100 pennies, in the year 300 to 100 times 100 times 100 pennies, and so on. We thus get for the year 1800 a capital of as many pennies as is denoted by the number that is expressed by a 1 with twice 18 appended zeros. At the rate of percentage above mentioned we obtain, accordingly, for the year 1800, 10,000 quintillion dollars, and for the year 1900 one sextillion dollars. For shorter spaces of time it may be remembered that a sum of money at compound interest is doubled at $3\frac{1}{2}\%$, in 20 years, at 4% in $17\frac{7}{10}$ years, at 5% in 14 years, and at 6% in 12 years.

5) To illustrate the tremendous rate at which any interesting piece of news is circulated in a city, we may cite this example. It is assumed that the news of a murder that is committed at nine o'clock in the morning, and at once discovered, is circulated; that the discoverer of the murder communicates the news within a quarter of an hour to three persons; that each of these three persons within the next quarter of an hour have nothing more important to do than to find three more persons to whom they communicate the news of

THE OLD MOTHER'S CHRISTMAS.

BY MINNIE ANDREWS SNELL.

Oh! my soul is filled with hope, as I has'en t' th' door
 T' answer t' th' postman every day,
 An' my weary han's they tremble, as they take th' letters in
 From my dear ones who have gone so far away.

My darters, good an' true, tho' th' sky be dark or clear,
 Never fail to send a message filled with love,
 An' my elder boy's fond letters tells his heart is ever near
 To his mother, where so ever he may rove.

Th' little Christmas gifts that they send me every year—
 "Merry Xmas to our mother" on th' box,—
 I have opened 'em so tend'ly, tho' I wiped away a tear,
 For it seems th' Christmas joy my sorrow mocks.

But my pore ol' eyes they watch for th' letter never sent,
 An' my heart is filled with pain that flowers in tears;
 An' I miss my baby boy, for I'm growin' old an' beot,
 An' my face is lined with cares of many years

But I blessed him when he went t' th' city big an' gay,
 For th' home had grown too quiet an' too dull;
 An' he promised he would ne'er forgit t' write me, an' to pray,
 An' good by was looked, with hearts for words too full.

Wall—at furst th' letters cum, so cheery an' so brave;
 "He'd a fortune make an' soon return to me,"
 Then they grew a little shorter, "for his time he had t' save,"
 Then came no more; of home ties he was free.

An' now th' house seems lonesome, for not e'er a hope is left,
 An' but memories of boyish voice an' play;
 An' I kneel, a lone ol' woman, at this Christmas time—bereft.
 As I for th' gift of true submission pray.

There's a knockin' at th' door—for th' postman it's too late—
 A claspin' of strong arms—a cry of joy!
 An' my heart it swells with rapture at th' auswerin' of Fate,
 For I hold my longed-for wanderer—my boy!

CURRENT TOPICS.

"A COLD wave is coming down from the Northwest, and the thermometer will be down to 5 or 6 below zero at seven o'clock this morning." That is the chill greeting I get from the look out on the watch-tower this 13th day of December; and reading the melancholy prophecy in the morning paper, I think of the hunger in Chicago, and of the fever that follows hunger, and the sorrow, and the sin. I know, for I have read it somewhere in poetry, that "God tempers the wind to the shorn lamb"; but no such provision is made for the shorn man; so, therefore, if the wind is tempered at all to him, it must be by his brother-man. It gives me pleasure to say that his brother-man in Chicago is tempering it with a spirit as warm and genial as that of Santa Claus himself. Where the law of it is, I do not know, for it is a metaphysical mystery how a "cold wave," that freezes the bodies of the poor, can warm the souls of the rich, thaw them out, make a break up of selfishness, and pour a flood of charity through the slums of a great city; but it can do it, and is doing it in Chicago now. Directly under the announcement of the coming "cold wave" is this cheering information: "Relief forces unite. Affiliation of charities. Destitution to be relieved without delay. Supplies and funds being managed on a clearing-house plan by a committee of fifty men." Looking further for particulars, I found enough bounty in sight and in reserve to convince me that not any man or woman or child, deserving or undeserving, will be allowed to suffer hunger in Chicago.

A meeting of all the charities was held yesterday at the Auditorium Hotel to form an organisation wherein they may work together for the salvation of the poor. The tone and temper of the meeting, by a large majority, was that the charities begin at once to feed and clothe and warm and shelter the destitute, without waiting to make a constitution and by-laws, and without opening with each applicant a debtor and creditor account by double entry, in a set of books to be provided for the purpose, wherein may be recorded the weight, kind, and quality of every meal bestowed. Of course, there was a disciplinarian present who wanted to postpone the feeding and the clothing and the warming and the sheltering until after a branch of the Circumlocution Office could be established, with competent men to contrive how not to do it, "a central bureau of registration," to which all the other bureaus were to make report. There was danger of gluttony, unless great care were exercised by the proper bureau, for some ragged epicure might get a dinner at one bureau, and then go directly to another bureau and gorge himself again; therefore, "so as to avoid all duplication, proper forms would be supplied by such bureau, so that daily reports might be made to the central bureau." With several bureaus provided with blank forms and a few thousand yards of red tape, they could get along fairly well, but Col. W. P. Rend, "a plain, blunt man," thought it would take a long time to learn how not to do it, while how to do it was extremely easy. He would feed the hungry man first, and then register him in the proper bureau afterwards. Nearly all the delegates agreed with Colonel Rend, although a few had fears that the morals of the recipient might be corrupted by too much gratuitous food

* * *

While the mischievous nature of charity was under debate, "a short man" arose in the meeting and made a few remarks that weighed about a ton. He was from the great Chicago market on South Water Street, and here is what this meat-and-potato moralist had to say. "I've been around," said the short man, "to see what I could do to-day, and here are some of the things I got: half a ton of beans, 250 dozen of bananas, 1080 lemons, 150 pounds of buckwheat, 90 dozen of eggs, 100 quarts of cranberries, 200 pounds of fish, 700 ducks and turkeys, 50 bushels of potatoes, 278 bushels of vegetables, 6 barrels of flour, 900 oranges, and 100 pounds of sausages." He had an idea, picked up among the uncultured market-men on South Water Street, that moral precepts would keep fresh all the winter, but that eggs and turkeys and fish would not. "Don't let the things rot," implored the short man; "we want 'em fed out at once, and you can make investigations into the worthiness of the hungry men in the spring." The practical religion of the short man had such a contagious effect upon the meeting that in the middle of the cheers provoked by his remarkable sermon, two thousand dollars in money was contributed to buy bread, and coal, and clothing, to be given to cold, and ragged, and hungry people now; investigations as to their worthiness to be made "in the spring."

* * *

Although full justice was denied him, it ought to be gratifying to every friend of trial by jury that Judge Jenkins has been released from the charges preferred against him in a criminal indictment presented by the Grand Jury of Milwaukee. I rejoice at his release, not because he is a man of high social rank and a judge of the United States Circuit Court, but because he is an American citizen entitled to the full protection of the laws and a fair trial by an impartial jury of his peers. The prosecution attempted to deprive him of that right, and it was only the judicial fairness of the court that broke the law-spider's web of sophistries in which Judge Jenkins was ensnared. It may be said that a poor man would not have escaped the legal meshes as triumphantly as Judge Jenkins did, but I have no reason to suppose that the ruling would have

been different had the defendant been a penniless laborer instead of a judge.

* * *

The particulars of the Jenkins case I take from an admirable review of it which I find in the *Chicago Herald* of December 13, wherein it appears that Judge Jenkins was a member of the Board of Directors of the Plankinton Bank, and when the bank failed, all the managers of it and the Board of Directors too, were jointly indicted under a statute of Wisconsin which provides that if deposits are accepted after the bank-officers know that the bank is insolvent they become criminally liable for embezzlement. It is conceded that Judge Jenkins was innocent of any knowledge that the bank was insolvent, although he was not altogether free from blame. He trusted blindly in the honesty of the executive officers who managed the bank, and he was perhaps careless in failing to make himself personally acquainted with its financial condition, but this is not a penitentiary offence, although, excited by the "panic," and by popular indignation the Grand Jury charged him with embezzlement. If the court had been timid enough to be driven from its integrity by public opinion and the voices of the populace, Judge Jenkins would have been put in imminent peril by a perversion of the law.

* * *

The decision in the Jenkins case falls with crushing weight upon the judgment in the so-called anarchist case. Having been under indictment for several months, Judge Jenkins appeared in court a few days ago, and demanded a trial as a matter of right; he also demanded a separate trial, as it was manifestly unfair that the evidence against him should be confused and adulterated by mixing it with testimony against other men indicted with him, some of whom perhaps were guilty while he himself was innocent. The district attorney resisted both motions but the court ruled that the defendant was entitled to an immediate and a separate trial, whereupon the district attorney abandoned the prosecution of Judge Jenkins and entered a *nolle prosequi* as to him; but on this part of the case I must quote from the *Chicago Herald*, because its disapproval of the lawyer-like strategy contrived by the prosecution in the Jenkins case reflects condemnation upon the parallel tactics pursued by the prosecution in the anarchist case. The *Herald* said: "It is significant that the district attorney declared that he had no testimony against Judge Jenkins on a separate trial. He wanted to take all the cases together, confuse the question of separate liability, and obtain a town-meeting verdict, regardless of justice to individuals."

* * *

In the Jenkins case the defendants were in danger of nothing but imprisonment and fine; in the anarchist case they stood in peril of their lives. In the Jenkins case the court ruled that the defence of one defendant could not lawfully be entangled, confounded, or obscured by the testimony given against his co-defendants, and that therefore Judge Jenkins was entitled to a separate trial. In the anarchist case, although the lives of men were at stake, that very just and humane protection was denied, and the court allowed the district attorney "to take all the cases together, confuse the question of separate liability, and obtain a town-meeting verdict, regardless of justice to individuals." Shall we in self-righteous vanity condemn an attempt to snatch a town-meeting verdict in Milwaukee, and approve a town-meeting verdict rendered in Chicago? It was said of Judge Gary's ruling in the anarchist case:

"T will be recorded for a precedent;
And many an error by the same example,
Will rush into the State."

The danger of that is happily over now. The decision in the Jenkins case marks the beginning of a reaction from judicial anar-

chy to law. The ruling in the anarchist case will not be "recorded for a precedent," but it will be recorded for a warning.

M. M. TRUMBULL.

CORRESPONDENCE.

THE SENATE QUESTION.

To Gen. M. M. Trumbull:

In your interesting article on "The Decline of the Senate" in *The Open Court* for December 7, you say:

"The supreme injustice lies in the Constitution itself, which allows a population barely sufficient for a third-class town, to have two Senators, and will not allow New York with six millions of inhabitants, to have any more than two. This is a solecism in American politics, and it cannot be perpetual. The Constitution must eventually be amended and such inequality be impossible."

The last clause of Article 5, of the Constitution (which prescribes the method of amending it) expressly provides, "that no State without its consent shall be deprived of its equal suffrage in the Senate."

Agreeing with everything you say, as to the desirability of your proposed amendment, is it not perfectly clear from the language of the Constitution itself, that such amendment is, and forever will be, impossible, and that the "solecism" must be "perpetual"?

FREDERICK W. PEABODY.

NOTES.

There has been much animosity of late towards the Senate, and Gen. M. M. Trumbull is one of those who would rather abolish it to-day than to-morrow. Anxious to present to our readers the opinion of the best-informed man on this subject we have urged Prof. Hermann von Holst to discuss the question. At present, he says, he is too much occupied with his duties at the University, but he has promised to write within a few months an article for *The Open Court* on this mooted question.

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